

FREEMAN, NOOTER & GINSBERG
ATTORNEYS AT LAW

LOUIS M. FREEMAN
THOMAS H. NOOTER*
LEE A. GINSBERG

75 MAIDEN LANE
SUITE 503
NEW YORK, N.Y. 10038

*NY AND CALIF. BARS

(212) 608-0808
TELECOPIER (212) 962-9696

May 27, 2021

The Honorable Laura Taylor Swain
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

MEMO ENDORSED

Letter Motion
CONSENT Surrender Date Adjournment Request
Request for Redesignation Recommendation

RE: United States v. Brandon Alvarez, 19 Cr. 23 (LTS)

Your Honor:

I am writing to ask the Court to postpone my client's surrender date one more time, from June 24, 2021 until the first week of August, 2021.

I have consulted with AUSA Nicholas Chiuchiolo, Esq., and he has no objection to this request.

My client, who now lives in the Orlando area of Florida, had some trouble getting an appointment for the Covid-19 vaccination. He now has appointments for July 1st and July 16th (for the second), which means that he will be "fully vaccinated" two weeks after the second appointment, which would be near the beginning of August, 2021.

As the Court will remember, Mr. Alvarez suffers from fairly severe asthma which requires him to enter the hospital from time to time, and he has only a 70% of normal lung capacity due to an injury he suffered in an automobile accident in 2008. He also has a high body mass index (BMI) which fluctuates between 36.8 and 37.6 (anything above 30 is considered "obese", which is a significant risk

factor for Covid-19 morbidity). The details were provided in the motion for compassionate release (docket entry number 58).

I am also making a SECOND request, that the Court make a new recommendation to the Bureau of Prisons (presumably it can be transmitted through Veronica Pena, U.S. Probation Administrative Assistant, 212-805- 5095, that he be redesignated to a BOP facility closer to Florida than Beaumont, Texas. He will not be able to receive any family visits if he is incarcerated in Texas. I am attaching a copy of the current designation notice letter.

As I stated, the government has no objection to the request for a surrender date in the first week of August.

Thank you so much.

Sincerely,

/s/ Thomas H. Nooter
THOMAS H. NOOTER
Attorney for Defendant Alvarez

cc: AUSA Nicholas Chiuchiolo, Esq., by ECF and email

The forgoing requests are granted. Mr. Alvarez's surrender date is extended to August 5, 2021. The Court recommends the BOP designate Mr. Alvarez to a Florida facility for the maintenance of family ties. Docket entry 81 is resolved.

SO ORDERED.

5/27/202/s/ Laura Taylor Swain, Chief USDJ



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
PROBATION OFFICE

New York, NY
May 26, 2021

P-5761343

Michael J. Fitzpatrick
Chief
U.S. Probation Officer

Edwin Rodriguez Jr.
Sr. Deputy Chief
U.S. Probation Officer

Kyle Crayton
Deputy Chief
U.S. Probation Officer

Dawn Doino
Deputy Chief
U.S. Probation Officer

Ed Johnson
Deputy Chief
U.S. Probation Officer

Mr. Brandon Alvarez
139 Lazy Willow Drive
Davenport, Florida 33897

As per order of U.S. District Judge Laura Taylor Swain , you are scheduled to surrender to Beaumont Low on Thursday June 24, 2021 by 10:00 am Beaumont is located at 5560 Knauth Road, Beaumont, TX 77705. Please contact the institution or visit www.bop.gov for instructions and directions. Your register number is **86419-054**.

Very truly yours,

Veronica Pena
Veronica Pena
U.S. Probation Administrative Assistant
212-805- 5095

cc: Nicholas W. Chiuchiolo , AUSA
Thomas H. Nooter, Freeman, Nooter & Ginsberg, Esq.

New York City Office:
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007
212-805-0040
212-805-0047 - Fax

White Plains Office:
United States Courthouse
300 Quarropas Street
White Plains, NY 10601-1901
914.390.4040
914.390.4055 - Fax